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PATENT

#7

Technology Center 2600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Frederick J. MURPHY)
Serial No.: 09/877,239) Examiner: Scott A. Rogers
Filed: June 11, 2001) Group: 2624
For: METHOD AND APPARATUS FOR) Atty Dkt No. 001223.00016
DELIVERY OF FACSIMILE DOCUMENTS)
OVER A COMPUTER NETWORK)

PETITION FOR SUSPENSION OF ACTION UNDER 37 C.F.R. § 1.103(a)

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

Applicant hereby requests a Suspension of Action in the above-captioned application pursuant to 37 C.F.R. § 1.103(a) for a period of six (6) months. The present application is owned, through an Assignment from the inventor, by NetFax, Inc. ("NetFax"). The assignment was duly recorded in the Patent Office.

On May 14, 2002, NetFax filed for bankruptcy protection in the United States Bankruptcy Court For The District of Maryland under Chapter 11 of the Bankruptcy code. Its filing status was converted to Chapter 7 on June 21, 2002. Attached is a copy of a notice evidencing NetFax's Chapter 7 status which was issued by the Bankruptcy Court.

The present application is one of the assets in the bankruptcy estate of NetFax. In order to preserve the value of this asset while prospective purchasers of the estate complete their due diligence and to allow a new owner full discretion over the prosecution of this application, a suspension of action of six (6) months is respectfully requested.

The bankruptcy trustee responsible for the NetFax estate, has authorized the undersigned to make this request.

09/29/2003 KDAVIS 00000002 190733 09877239

01 FC:1460 130.00 DA

The Commissioner is authorized to charge \$130 to our Deposit Account 19-0733 for the fee due for submission of this Petition. If this amount is incorrect, the Commissioner is authorized to charge any deficiency or credit any overpayment to our Deposit Account 19-0733.

The Examiner is invited to telephone the undersigned at the number given below if he believes doing so would be helpful in resolving any questions in connection with this petition.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Date: September 24, 2003

By: 

Thomas L. Peterson

Registration No. 30,969

1001 G Street, N.W.
Eleventh Floor
Washington, D.C. 20001-4597
(202) 824-3000

United States Bankruptcy Court
for the
District of Maryland

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101 West Lombard Street, Baltimore, Maryland 21201

Technology Center 2600

In re:	Netfax, Inc.	SSN:	Case No.:	02 - 57777
	Debtor		Chapter :	7
			Doc. No.:	24-1

***Notice of Need to File Proof of Claim
Due to Recovery of Assets***

Notice is Given That:

The initial notice in this case instructed creditors that it was not necessary to file a proof of claim. Since the notice was sent, assets have been recovered by the trustee.

Creditors who wish to share in any distribution of funds must file a proof of claim with the clerk of the bankruptcy court at the address above on or before: **10/23/02**.

Creditors who do not file a proof of claim on or before this date will not share in any distribution from the debtor's estate. A claim may be filed in the office of the clerk of the bankruptcy court on an official form prescribed for as the proof of claim. It may be filed by regular mail. If you wish to receive proof of its receipt by the bankruptcy court, enclose a photocopy of the proof of claim together with a stamped, self-addressed envelope.

There is no fee for filing a proof of claim.

Any creditor who has filed a proof of claim already need NOT file another proof of claim

enclosure: Proof of Claim Form

Dated: 07/25/02

Mark D. Sammons
Clerk of the Bankruptcy Court

By: **Yvette Oliver**
Deputy Clerk

UNITED STATES BANKRUPTCY COURT

District of Maryland

Notice of Chapter 7 Bankruptcy Case, Meeting of Creditors, & Deadlines

A bankruptcy case concerning the debtor corporation listed below was originally filed under chapter 11 on 05/14/02 and was converted to a case under chapter 7 on 06/21/02.

You may be a creditor of the debtor. **This notice lists important deadlines.** You may want to consult an attorney to protect your rights. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below. **NOTE:** The staff of the bankruptcy clerk's office cannot give legal advice.

See Reverse Side For Important Explanations.

Debtor (name(s) and address):

Netfax, Inc.
c/o H. Eugene Funk, Jr. Esq.
Rosenbert Proutt Funk & Greenberg
25 South Charles Street Suite 2115
Baltimore, MD 21201

Case Number:

02 - 57777 esd esd

Taxpayer ID Nos.:

16-1490230

Attorney for Debtor (name and address):

Lawrence Joseph Yumkas
Rosenberg, Proutt et al.
2115 Allfirst Bldg.
25 S. Charles St.
Baltimore, MD 21201
Telephone number: 410-727-6600

Bankruptcy Trustee (name and address):

Joseph J. Bellinger Jr.
10 Light Street, 12th Fl.
Baltimore, MD 21202

Telephone number: 410-385-3770

Meeting of Creditors:

Date: July 31, 2002

Time: 09:00 am

Location: Office of the US Trustee
300 W. Pratt, #375
Baltimore, MD 21201

Deadline to File a Proof of Claim

Proof of Claim must be *received* by the bankruptcy clerk's office by the following deadline:

For all creditors (except a governmental unit): 10/23/02

For a governmental unit: 11/12/02

Creditors May Not Take Certain Actions:

The filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized.

Address of the Bankruptcy Clerk's Office:

Baltimore Division
101 W. Lombard Street
Suite 8308
Baltimore, MD 21201
Telephone number: 410-962-2688

For the Court:

Clerk of the Bankruptcy Court:
Mark Sammons

Hours Open: Monday - Friday 8:00 AM 4:00 PM

Date: 07/25/02

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EXPLANATIONS

FORM B9D(9/97)

Filing of Chapter 7 Bankruptcy Case	A bankruptcy case under chapter 7 of the Bankruptcy Code (title 11, United States Code) has been filed in this court by or against the debtor listed on the front side, and an order for relief has been entered.
Creditors May Not Take Certain Actions	Prohibited collection actions are listed in Bankruptcy Code §362. Common examples of prohibited actions include contacting the debtor by telephone, mail or otherwise to demand repayment; taking actions to collect money or obtain property from the debtor; repossessing the debtor's property; and starting or continuing lawsuits or foreclosures.
Meeting of Creditors	A meeting of creditors is scheduled for the date, time and location listed on the front side. <i>The debtor's representative must be present at the meeting to be questioned under oath by the trustee and by creditors.</i> Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date without further notice.
Claims	A Proof of Claim is a signed statement describing a creditor's claim. If a Proof of Claim form is not included with this notice, you can obtain one at any bankruptcy clerk's office. If you do not file a Proof of Claim by the "Deadline to File a Proof of Claim" listed on the front side, you might not be paid any money on your claim against the debtor in the bankruptcy case. To be paid you must file a Proof of Claim even if your claim is listed in the schedules filed by the debtor.
Liquidation of the Debtor's Property and Payment of Creditors' Claims	The bankruptcy trustee listed on the front of this notice will collect and sell the debtor's property. If the trustee can collect enough money, creditors may be paid some or all of the debts owed to them, in the order specified by the Bankruptcy Code. To make sure you receive any share of that money, you must file a Proof of Claim, as described above.
Bankruptcy Clerk's Office	Any paper that you file in this bankruptcy case should be filed at the bankruptcy clerk's office at the address listed on the front side. You may inspect all papers filed, including the list of the debtor's property and debts, at the bankruptcy clerk's office.
Legal Advice	The staff of the bankruptcy clerk's office cannot give legal advice. You may want to consult an attorney to protect your rights.

--- Refer to Other Side For Important Deadlines and Notices ---

****Amended to correct proof of claim bar date****

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MARYLAND (BALTIMORE)
PROOF OF CLAIM

Name of Debtor

Case Number
02-57777

NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request" for payment of an administrative expense may be filed pursuant to 11 U.S.C. §503.

Name of Creditor (The person or other entity to whom the debtor owes money or property):

Banner & Witcoff, Ltd.

Name and Address where notices should be sent:

Banner & Witcoff, Ltd.

Attention: Thomas Peterson

1001 G Street, N.W.

Washington DC 20001

- ☐ Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.
- ☐ Check box if you have never received any notices from the bankruptcy court in this case.
- ☐ Check box if the address differs from the address on the envelope sent to you by the court.



02-57777



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THIS SPACE IS FOR COURT USE ONLY

Telephone Number:

Account or other number by which creditor identifies debtor:

Check here if ☐ replaces
this claim ☐ amends a previously filed claim, dated _____

1. Basis for Claim

- ☐ Goods sold
- ☐ Services performed
- ☐ Money loaned
- ☐ Personal injury/wrongful death
- ☐ Taxes
- ☐ Other _____

- ☐ Retiree benefits as defined in 11 U.S.C. §1114(a)
- ☐ Wages, salaries, and compensation (fill out below)
- Your SS #: _____
- Unpaid compensation for services performed from _____ to _____
- (date) (date)

2. Date debt was incurred:**3. If court judgment, date obtained:****4. Total Amount of Claim at Time Case Filed:**

\$ _____

If all or part of your claim is secured or entitled to priority, also complete Item 5 or 6 below.

☐ Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or additional charges.

5. Secured Claim.

☐ Check this box if your claim is secured by collateral (including a right of setoff).

Brief Description of Collateral:

☐ Real Estate ☐ Motor Vehicle☐ Other _____

Value of Collateral: \$ _____

Amount of arrearage and other charges at time case filed included in secured claim, if any: \$ _____

6. Unsecured Priority Claim.

☐ Check this box if you have an unsecured priority claim

Amount entitled to priority \$ _____

Specify the priority of the claim:

- ☐ Wages, salaries, or commissions (up to \$4,650)* earned within 90 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier - 11 U.S.C. § 507(a)(3).
- ☐ Contributions to an employee benefit plan - 11 U.S.C. § 507(a)(4).
- ☐ Up to \$ 2,100* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use - 11 U.S.C. § 507(a)(6).
- ☐ Alimony, maintenance, or support owed to a spouse, former spouse, or child - 11 U.S.C. § 507(a)(7).
- ☐ Taxes or penalties owed to governmental units - 11 U.S.C. § 507(a)(8).
- ☐ Other - Specify applicable paragraph of 11 U.S.C. § 507(a)(____).

*Amounts are subject to adjustment on 4/1/04 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.

7. Credits: The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim.

8. Supporting Documents: Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary.

9. Date-Stamped Copy: To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim.

Date

Sign and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any):

THIS SPACE IS FOR COURT USE ONLY

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.